



PUBLIC NOTICE

Federal Communications Commission
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DA 03-1952
June 16, 2003

COMMENT SOUGHT ON PETITION FOR RULEMAKING ON COMPLIANCE BY CARRIERS WITH RELEVANT STATUTORY PROVISIONS ON DISCLOSURE OF CUSTOMER INFORMATION IN 911 EMERGENCIES

RM-10715

Comments Due: August 15, 2003
Reply Comments Due: September 15, 2003

On May 2, 2003, the National Emergency Number Association (NENA), the Association of Public-Safety Communications Officials-International, Inc. (APCO), and the National Association of State Nine One One Administrators (NASNA) filed a Petition for Rulemaking (Petition). NENA, APCO, and NASNA (Petitioners) request the Commission solicit public comment on the legal preconditions in relevant federal statutes to the release of customer-specific information to Public Safety Answering Points (PSAPs) in the course of response to 911 emergency calls. Petitioners identify as relevant certain statutory provisions found in the Communications Act and the U.S. Criminal Code that they contend provide explicit 911-related exemptions from telephone privacy protections. These statutory provisions include amendments enacted in the Wireless Communications and Public Safety Act of 1999 at Sections 222(g), 222(d)(4), and 222(h) of the Communications Act (47 U.S.C. §§ 222(g), (d)(4), and (h)) and amendments to the U.S. Criminal Code enacted in the Homeland Security Act of 2002 at 18 U.S.C. § 2702(b) and the USA Patriot Act of 2001 at 18 U.S.C. § 2702(c)(4).

We seek comment on the issues raised in the Petition. Interested parties may file comments on or before August 15, 2003. Reply comments are due September 15, 2003. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies.¹ Comments and reply comments should be filed in the rulemaking number, RM-10715.

This is a "permit but disclose" proceeding pursuant to § 1.1206 of the Commission's

¹ See *Electronic Filing of Documents in Rulemaking Proceedings*, GC Docket No. 97-113, Report and Order, 13 FCC Red 11322, 11326, para. 8 (1998); 63 Fed. Reg. 24121 (1998).

Rules.² Ex parte presentations that are made with respect to the issues involved in the Petition will be allowed but must be disclosed in accordance with the requirements of § 1.1206(b) of the Commission's Rules.³

Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/e-file/ecfs.html>. Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, filing parties should include their full name, Postal Service mailing address, and the applicable rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, parties should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, "get form <your e-mail address>." A sample form and directions will be sent in reply. Commenters also may obtain a copy of the ASCII Electronic Transmittal Form (FORM-ET) at <http://www.fcc.gov/e-file/email.html>.

Parties who choose to file by paper must file an original and four copies of each filing. Each filing should include the applicable rulemaking number. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Vistrionix, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW, Washington, D.C. 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission. In addition, a diskette copy should be sent to the Commission's copy contractor, Qualex International, Portals II, 445 12th Street, S.W., Room CY-B402, Washington, DC, 20554, telephone 202-863-2893, facsimile 202-863-2898, or via e-mail to qualexint@aol.com.

The full text of the Petition and responsive comments will be available electronically on the Commission's ECFS under RM-10715. In addition, copies of these documents are available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW, Room CY-A257, Washington, DC, 20554. Documents may also be purchased from the Commission's duplicating contractor. Alternative formats (computer diskette, large print, audio recording and Braille) are available to persons with disabilities by contacting Brian Millin, of the Consumer and Governmental Affairs Bureau, at (202) 418-7426 (voice) or (202) 418-7365 (TTY), or at bmillin@fcc.gov. This Public Notice can also be downloaded in Text and ASCII formats at: <http://www.fcc.gov/cib/dro>.

² 47 C.F.R. § 1.1206.

³ 47 C.F.R. § 1.1206(b).

For further information concerning this proceeding, contact Barbara Reideler or Jared Carlson, Policy Division, Wireless Telecommunications Bureau, at (202) 418-1310 (voice) or (202) 418-1169 (TTY).

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